

**In the United States District Court  
For the Southern District Of Georgia  
Waycross Division**

EMMANUEL A.N. THOMAS,

Petitioner,

v.

IMMIGRATION AND CUSTOMS  
ENFORCEMENT; D. RAY JAMES  
CORRECTIONAL FACILITY; and TRACY  
JOHNS, WARDEN,

Respondent.

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CIVIL ACTION NO.: 5:13-cv-126

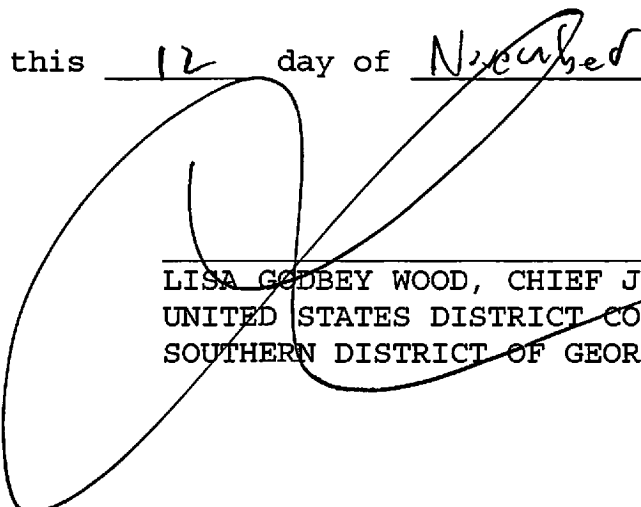
**ORDER**

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, as set forth herein. Petitioner Emmanuel Thomas ("Thomas") failed to file any Objections to the Magistrate Judge's Report and Recommendation.

Thomas' Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, dkt. no. 1, is **DISMISSED IN PART**, without prejudice, based on Thomas' failure to exhaust his available administrative remedies prior to filing his Petition for those claims which are cognizable under Section 2241. The remaining portions of Thomas' Petition are **DISMISSED**. Immigration and Customs Enforcement and D. Ray James Correctional Facility are

DISMISSED as named Respondents. The Clerk of Court is DIRECTED to enter the appropriate judgment of dismissal and to CLOSE this case. Should Thomas seek to proceed *in forma pauperis* on appeal, his request shall be DENIED.<sup>1</sup>

SO ORDERED, this 12 day of November, 2015.



LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Because Thomas filed a Section 2241 Petition in this Court, no Certificate of Appealability ("COA") is required for purposes of an appeal. 28 U.S.C. § 2253(c); Sawyer v. Holder, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003).